



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** November 2, 2023

**In Control:** City Council

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**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** District 1

**SUBJECT:**

ZONING CASE Z-2023-10700194 CD

**SUMMARY:**

**Current Zoning:** "NC RIO-1 AHOD" Neighborhood Commercial River Improvement Overlay 1 Airport Hazard Overlay District

**Requested Zoning:** "NC CD RIO-1 AHOD" Neighborhood Commercial River Improvement Overlay 1 Airport Hazard Overlay District with a Conditional Use for a Noncommercial Parking Lot

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** September 19, 2023. This item was continued from the September 5, 2023 hearing.

**Case Manager:** Adolfo Gonzalez, Zoning Planner

**Property Owner:** Colin Bass

**Applicant:** Colin Bass

**Representative:** Colin Bass

**Location:** 3314 North St. Mary's Street

**Legal Description:** Lots 1 and 2, Block 2, NCB 6078

**Total Acreage:** 0.1605

**Notices Mailed**

**Owners of Property within 200 feet:** 31

**Registered Neighborhood Associations within 200 feet:** River Road Neighborhood Association

**Applicable Agencies:** Fort Sam Houston, Office of Historic Preservation, Planning Department

**Property Details**

**Property History:** The subject property was located within the original 36 square miles of the City of San Antonio and zoned “F” Local Retail District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “F” Local Retail District converted to “C-2” Commercial District. The property was rezoned by Ordinance 2020-03-19-0201, dated March 19, 2020, to the current “NC” Neighborhood Commercial District.

**Code & Permitting Details**

INV-ZCD-23-3140000301 (Zoning-Commercial District) – January 2023

COD-ADH-REQ23-43901028 (Administrative Hearing) – April 2023

No relevant permit history for the subject property.

**Topography:** The property does not include any abnormal physical features such as slope or incursion in a floodplain.

**Adjacent Base Zoning and Land Uses**

**Direction:** North

**Current Base Zoning:** R-4 CD for Apparel/Accessory Store

**Current Land Uses:** Apparel Store

**Direction:** East

**Current Base Zoning:** R-3, R-4, MF-33

**Current Land Uses:** Residential Dwellings

**Direction:** South

**Current Base Zoning:** NC, R-4 CD for Noncommercial Parking Lot

**Current Land Uses:** Vacant Land, Abandoned Shop, Car Wash, Parking Lot

**Direction:** West

**Current Base Zoning:** C-2

**Current Land Uses:** Abandoned Shop, Vacant Land

**Overlay District Information:**

The "RIO-1" River Improvement Overlay District is an overlay district to establish regulations to protect, preserve and enhance the San Antonio River and its improvements by establishing design standards and guidelines.

The "AHOD" Airport Hazard Overlay District, due to the location of the property and its proximity to an airport or approach path, does not restrict permitted uses, but can require additional review of construction plans by both the Development Services Department and the Federal Aviation Administration.

**Special District Information:**

None.

**Transportation**

**Thoroughfare:** North St Mary's Street

**Existing Character:** Local

**Proposed Changes:** None known.

**Thoroughfare:** East Huisache Avenue

**Existing Character:** Local

**Proposed Changes:** None known.

**Public Transit:** There is public transportation within walking distance of the subject property.

**Routes Served:** 8

**Traffic Impact:** A Traffic Impact Worksheet was submitted. Any additional traffic requirements will be reviewed at the build permit phase of the project.

**Parking Information:** Minimum parking requirements for a Parking Lot is not applicable.

**ISSUE:**

None.

**ALTERNATIVES:**

Current Zoning: "NC" Neighborhood Commercial District provides small areas for offices, professional services, service and storefront retail uses; all designed in scale with surrounding residential development. Building size is limited to 3,000 square feet. Examples of permitted uses: animal and pet services, fitness/health club, antique store, apparel and accessory store, bookstore, bakery, florist, gift shop, professional offices, music store, convenience store, and restaurant.

Proposed Zoning: "NC CD" Neighborhood Commercial District provides small areas for offices, professional services, service and storefront retail uses; all designed in scale with surrounding residential development. Building size is limited to 3,000 square feet. Examples of permitted uses: animal and pet services, fitness/health club, antique store, apparel and accessory store, bookstore, bakery, florist, gift shop, professional offices, music store, convenience store, and restaurant.

The Conditional Use would allow for a noncommercial parking lot.

**FISCAL IMPACT:**

None.

**PROXIMITY TO REGIONAL CENTER/PREMIUM TRANSIT CORRIDOR:**

The subject property is not located within a Regional Center or within ½ a mile from a Premium Transit Corridor.

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff and Zoning Commission recommend Approval.

**Criteria for Review:** According to Section 35-421, zoning amendments shall be based on approval criteria below.

1. **Consistency:** The subject property is located within the River Road Community Plan and is currently designated as "Neighborhood Commercial" in the future land use component of the plan. The requested "NC" base zoning district is consistent with the future land use designation.
2. **Adverse Impacts on Neighboring Lands:** Staff does not find evidence of likely adverse impacts on neighboring lands in relation to this zoning change request. The proposed use is consistent with the established development pattern of the surrounding area.
3. **Suitability as Presently Zoned:** The existing "NC" Neighborhood Commercial District is an appropriate zoning for the property and surrounding area. The proposed "NC CD" Neighborhood Commercial District with a Conditional Use for a Parking Lot is also an appropriate zoning for the property and surrounding area. The proposed rezoning will maintain the base zoning district while adding a "CD" Conditional Use for a Noncommercial Parking Lot. The applicant owns the property across the street, with plans to develop a retail vintage shop and utilize the subject property for parking. With no allowable space on the street for parking, the proposed development would meet a need for potential future commercial growth. The conditional use will be bound to a prescribed site plan that cannot be changed without further Council review.
4. **Health, Safety and Welfare:** Staff has not found indication of likely adverse effects on the public health, safety, or welfare.
5. **Public Policy:** The request does not appear to conflict with any public policy objective.

Relevant Goals and Policies of the Comprehensive Plan may include:

- GCF Goal 5: Growth and city form support improved livability in existing and future neighborhoods.
- NRES Goal 2: San Antonio balances environmental goals with business and community needs.

Relevant Objectives of the River Road Neighborhood Plan may include:

- To encourage appropriate existing businesses and desirable redevelopment along St. Mary's and Mulberry, with adequate off-street parking and loading requirements.

6. **Size of Tract:** The 0.1605 acre site is of sufficient size to accommodate the proposed parking lot.

7. **Other Factors:** The Conditional Use zoning procedure is designed to provide for a land use that is not permitted by the established zoning district, but due to individual site considerations or unique development requirements would be compatible with adjacent land uses under given conditions.

The applicant is rezoning to develop a noncommercial parking lot.

This property is designated in the RIO-1 district. Any future exterior modifications or new construction will require written approval from the Office of Historic Preservation. Approval of a zoning change does not supersede any requirements for design review outlined in Article VI of the Unified Development Code. Additionally, based on the site plan provided, there are conflicts with the proposed project and the Unified Development Code.

The subject property is located within the Fort Sam Houston Awareness Zone/Military Influence Area. In accordance with the signed Memorandum of Understanding, JBSA was notified of the proposed request. The Military has indicated that there are no objections to this request.